

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DWAYNE N. CLARK,

2:10-CV-6222-SU

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

DREW L. JOHNSON

Drew L. Johnson, P.C.
1700 Valley River Drive
Eugene, OR 97405
(541) 434-6466

KATHRYN TASSINARI

Harder, Wells, Baron & Manning, P.C.
474 Willamette, Suite 200
Eugene, OR 97401
(541) 686-1969

Attorneys for Plaintiff

DWIGHT C. HOLTON

United States Attorney

ADRIAN L. BROWN

Assistant United States Attorney
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902
(503) 727-1003

DAVID MORADO

Regional Chief Counsel

L. JAMALA EDWARDS

Special Assistants United States Attorney
Social Security Administration
701 5th Avenue, Suite 2900 M/S 901
Seattle, WA 98104-7075
(206) 615-2531

Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#13) on June 23, 2011, in which she recommends the Court affirm the Commissioner's decision denying Plaintiff's application for disability insurance benefits and supplemental security income. Plaintiff filed timely Objections (#15) to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United*

States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Plaintiff merely reiterates the arguments contained in his Opening Brief (#9). The Court has reviewed the record *de novo*, including each of Plaintiff's Objections, and concludes the Administrative Law Judge provided legally sufficient reasons supported by substantial evidence in the record for her determination. The Court, therefore, concludes Plaintiff's Objections do not provide a basis to modify the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (#13). Accordingly, the Court **AFFIRMS** the Commissioner's decision and **DISMISSES** this matter.

IT IS SO ORDERED.

DATED this 16th day of September, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge